

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODERICK NATHANIEL
WASHINGTON,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

No. 2:24-cv-1784 DJC CSK P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 2, 2024, the Magistrate Judge filed findings and recommendations herein which were served on plaintiff, and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. On July 9, 2024, Plaintiff submitted the court's filing fee in full. (ECF No. 4.) On July 23, 2024, Plaintiff's objections to the findings and recommendations were entered on the court docket. (ECF No. 5.) Because Plaintiff submitted his objections to prison staff for mailing on July 16, 2024, his objections are timely under the mailbox rule. *Houston v. Lack*, 487 U.S. 266, 275-76 (1988) (pro se prisoner filing is dated from

1 the date prisoner delivers it to prison authorities).

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule
3 304, this Court conducted a *de novo* review of this case. Having carefully reviewed
4 the entire file, the Court finds the findings and recommendations to be supported by
5 the record and by proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations (ECF No. 3) are adopted in full;
- 8 2. Plaintiff is a three strikes litigant within the meaning of 28 U.S.C. § 1915(g)
9 and failed to demonstrate he was under imminent danger of serious physical injury at
10 the time he filed this action; thus, Plaintiff is required to pay the court's filing fee in full
11 prior to proceeding any further with this action; and
- 12 3. In light of Plaintiff's subsequent payment of the full filing fee, this matter is
13 remanded to the assigned magistrate judge for further proceedings.

14
15 IT IS SO ORDERED.

16 Dated: August 14, 2024


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE

20 /1/wash1784.804

21
22
23
24
25
26
27
28